

Current situation and trends of female genital mutilation in Poland



LEGAL FRAMEWORK

International and European conventions

Poland has ratified various international conventions condemning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Charter of Fundamental Rights of the European Union (2000/C 35/02).

Criminal law

Cases of FGM could potentially be criminally prosecuted under the general criminal law through Articles 156, 157 and 160 of the Penal Code, referring respectively to crimes of grievous bodily injury, bodily injury and impairment to health, and exposure to the danger of loss of life. If a person living with the victim causes the bodily injury (this changes the type of atrocious, as referred to in Article 157, from a private to a public one. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

General child protection provisions could be used in cases of FGM. As such, the Family Code refers to children at risk and the application of protective measures like the restriction or deprivation of guardian rights. The Law on Combating Domestic Violence provides, through Articles 12a and 13b, measures such as removing a child from the family in the event of a direct threat to the life or health of the child.

Asylum law

The Polish Office for Foreigners, which deals with asylum cases, would use the guidance notes on refugee claims relating to female genital mutilation, developed by the UN High Commissioner for Refugees, as a basis for reference in cases of FGM-related asylum claims.

Professional secrecy law

General law with regard to professional secrecy and disclosure could potentially be applied to report cases of performed or planned FGM. Article 304.1 of the Code of Criminal Procedure states that ' anyone who learns about the committing of an

About the study

In order to contribute to identifying and filling the gaps in preventive data collection and support the development of strategies for combating female genital mutilation (FGM), the European Institute for Gender Equality has commissioned the Study to Map the Current Situation and Trends of Female Genital Mutilation in 27 EU Member States and Croatia. The study was launched at the request of Iratze Reddy, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yelena Witkova Management Consultants (a division of S.A.D.C.).

The desk research from the 27 EU Member States and Croatia and the in-depth research in nine EU Member States brings about the first collection of information and data, legal and policy framework, actors, tools and methods in the area of FGM in the EU. The different national approaches to tackle FGM in the EU were analysed and compared in order to identify practices with potential in prevention, protection, prosecution, provision of services, partnership and awareness.

The data provided in this publication were collected through desk research and field research between December 2011 and April 2012. More information and references about the study are available at eige.europa.eu

Downloads



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Bieżąca sytuacja w zakresie okaleczania narządów płciowych kobiet Polska

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